124854-1

<u>REMARKS</u>

Claims 1-25 are pending in the instant application. The claims have not been amended. Applicants respectfully submit that the claims as presented are in condition for allowance. No new matter has been added by the amendments.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 16-18 and 20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,397,224 to Zubeldia et al. (hereinafter "Zubeldia"). This rejection is respectfully traversed.

Claim 16 recites a system for creating anonymity in collecting patient data. The system includes a network and a host system in communication with the network. The host system includes software to implement a method. The method includes <u>receiving over the network</u> a medical report for a patient including patient identification data and <u>searching a patient record</u> corresponding to the patient <u>for an encrypted anonymous patient identifier. The patient record includes one or more of the patient identification data.</u> The searching returns the <u>encrypted anonymous patient identifier</u> in response to locating the <u>encrypted anonymous patient identifier</u> and returns a null value in response to not locating the <u>encrypted anonymous patient identifier.</u> The method further includes <u>creating</u> and <u>encrypting an anonymous patient identifier</u> corresponding to the patient and <u>storing the encrypted anonymous patient identifier in the patient record</u> if the searching returns the null value. The method further includes <u>unencrypting the encrypted anonymous patient identifier</u>, adding the unencrypted anonymous patient identifier to the medical report, removing the patient identification data from the medical report, and <u>transmitting the medical report to a data repository over the network</u> in response to the removing.

Zubeldia teaches a system for anonymously linking a plurality of data records.. In Zubeldia, a computer workstation 12 is connected to a network 14 via a network interface 30 (See Fig. 1 and col. 4, ll. 46-47 of Zubeldia). As illustrated in FIGS. 1 and 2 and described at col. 5, ll. 17-19, the computer workstation 12 includes memory devices 18 that are depicted as storing a system 50 for anonymously linking a plurality of data records 52. The data records

may include a healthcare identifier, as explained at col. 5, ll. 27-32. The data records are stored in an input database 54 and an output database 84, which are depicted as part of the system 50 included in the memory device 18 of the computer workstation 12. Thus, while Zubeldia describes storing of data records in input and output databases, Zubeldia is silent as to how the data records are received and transmitted. That is, Zubeldia fails to disclose or suggest receiving over the network a medical report for a patient including patient identification data and transmitting the medical report to a data repository over the network as recited in claim 16. For at least this reason, claim 1 is considered allowable over Zubeldia.

Moreover, in Zubeldia, subsets 62A and 62B of identifying elements 56 in a data record 52 are encoded into encoded identify references (EIRs) 60A and 60B. (See col. 5, l. 49 through col. 5, l.12). The encoded identity references 60A and 60B are matched to a common anonymization code 66 in an anonymization code database 68, which is separate from the input database 54 and the output database 84 (See col. 6, l.42 through col. 7, l.2) Neither the encoded identity references 60 nor the anonymization codes 66 are stored in a database or data record that also includes the identifying elements, as only the input database 54 contains identifying elements 56 (See FIG. 2). The anonymization code is inserted into the data record **after** the identifying elements are removed (See FIG. 3, steps 116 and 118). Thus, Zubeldia teaches an input database 54 with a plurality of data records of the same type being "cleansed" of any patient identifying data (identifying elements 56) to create an output database 84 that can be utilized for reports and studies without compromising patient confidentiality requirements. (See Abstract, FIG. 2 and accompanying text).

Zubeldia fails to disclose or suggest searching a patient record corresponding to the patient for an anonymous patient identifier. On the contrary, Zubeldia discloses associating an encoded identify reference with an anonymization code stored in a database 68 and inserting the anonymization code into the data record as recited in claim 16. Moreover, Zubeldia fails to disclose or suggest storing the anonymous patient identifier in the patient record where the patient record includes one or more of the patient identification data as set forth in claim 16. On the contrary, Zubeldia discloses removing the identifying elements in a data record before the anonymization code is inserted..

Finally, claim 16 recites searching a patient record for an <u>encrypted anonymous patient</u> identifier corresponding to the patient and storing the <u>encrypted anonymous patient identifier</u> in the patient record... and <u>unencrypting the encrypted anonymization patient identifier</u> and adding the <u>unencrypted anonymous patient identifier</u> to the medical report. In Zubeldia, Applicants can find no discussion of encrypting or unencrypting an anonymization code Accordingly, Zubeldia also fails to disclose or suggest these claimed features.

As Zubeldia fails to disclose or suggest all the features recited in claim 16, claim16 is considered allowable over Zubeldia.

Claim 20 recites similar features as claim 16. As explained above, these features are not disclosed or suggested by Zubeldia. Accordingly, claim 20 is considered allowable over Zubeldia.

If the position is maintained that the claimed features noted above that are considered missing from Zubeldia are shown somewhere in the document, Applicants respectfully request that it be specifically pointed out where in Zubeldia there is a basis for this view.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3, 9-11, 15, 19, and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zubeldia in view of U.S. Patent No. 6,157,617 to Brandin et al. (hereinafter "Brandin"). Claim 2 stands rejected under Section 103(a) as being unpatentable over Zubeldia in view of Brandin ad U.S. Patent No. 6,181,838 to Knowlton (hereinafter "Knowlton"). Claims 4-8 and 12-14 stand rejected under Section 103(a) as being unpatentable over Zubeldia in view of Brandin and U.S. Patent No. 5,548,647 to Naik (hereinafter "Naik"). These rejections are respectfully traversed.

Independent clam 1 recites similar features as claim 16, namely searching a patient record corresponding to a patient for an anonymous patient identifier wherein the patient record includes one or more of the patient identification data and storing the anonymous patient identifier in the patient record. As noted above, these features are missing from Zubeldia. Claim 1 further recites creating an anonymous patient identifier .. that includes a linear transformation

of a media access control address component, a date/time component and an anonymity supplement component.

The Action asserts that Zubeldia discloses all the features of claim 1 except for the feature of an anonymous patient identifier including a <u>linear transformation of a media access control</u> address component, a date/time component and an anonymity supplement component. The Action relies on Brandin for the features missing from Zubeldia.

Brandin is directed to a method of network packet accounting that can account for bandwidth usage on a network without slowing down the network Brandin does not disclose the claimed features missing from Zubeldia noted above, namely searching a patient record corresponding to a patient for an anonymous patient identifier wherein the patient record includes one or more of the patient identification data and storing the anonymous patient identifier in the patient record. Thus, Brandin fails to makeup for the deficiencies of Zubeldia, and claim 1 is considered allowable over any combination of Zubeldia ad Brandin for at least this reason.

Independent claims 15 and 22 recite similar features as claim 1. As explained above, the features recited in claim 1 are not disclosed or suggested by any combination of Zubeldia and Brandin. Thus, claims 15 and 22 are considered allowable over Zubeldia and Brandin.

In so much as they depend from independent claims 1, 15, and 20, and 22, claims 3 and 9-11, claim 19, claim 21, and claims 23-25 contain all features of claim 1, 15, 20, and 22, respectively. Brandin fails to make up for the deficiencies of Zubeldia with regard to the features recited in independent claims 1, 15, 20, and 22. Accordingly, claims 3, 9-11, 19 and 21-25 are considered allowable over any combination of Zubeldia and Brandin

With regard to claim 2, the Action relies on Knowlton for the claimed features missing from Zubeldia and Brandin. Knowlton discloses a mechanism for the capture of graphical representations. Knowlton fails to disclose or suggest the features recited in claim 1 that are missing from Zubeldia and Brandin, as described above. Thus, as claim 2 depends from claim 1, claim 2 is considered allowable of any combination of Zubeldia Brandin, and Knowlton.

With regard to claims 4-8 and 12-14, the Action relies on Naik for the claimed features missing from Zubeldia and Brandin. Naik discloses a fixed text verification method and apparatus. Naik fails to disclose or suggest the features recited in claim 1 that are missing from Zubeldia and Brandin as described above. As claims 4-8 and 12-14 depend from and include all the features recited in claim 1, claims 4-8 and 12-14 are considered allowable over any combination of Zubeldia, Brandin, and Naik.

CONCLUSION

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

If any issues remain, the Examiner is encouraged to contact the undersigned at the telephone number below.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 07-0845 maintained by Applicants' attorneys.

Respectfully submitted,

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